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IN THE

SUPREME COURT OF THE UNITED STATES.

~~1154~~

OCTOBER TERM, 1967.

HANSEL WALLACE,
Petitioner,

vs.

COMMONWEALTH OF VIRGINIA,
Respondent.

On Petition for Certiorari to the Supreme Court of Appeals for the Commonwealth of Virginia and the Corporation Court of Bristol, Virginia.

SUPPLEMENTAL APPENDIX TO PETITION FOR A WRIT OF CERTIORARI.

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St. Louis Law Printing Co., Inc., 411-15 N. Eighth St., 63101. CEntral 1-4477.

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ORDER.

VIRGINIA:

In the Supreme Court of Appeals held at the Supreme Court of Appeals Building in the City of Richmond on Tuesday the 10th day of October, 1967.

The petition of Hansel Wallace for a writ of error and supersedeas to a judgment rendered by the Corporation Court of the City of Bristol on the 4th day of May, 1967, in a prosecution by the Commonwealth against the said petitioner for a misdemeanor, having been maturely considered and a transcript of the record of the judgment

aforesaid seen and inspected, the court being of opinion that the said judgment is plainly right, doth reject said petition and refuse said writ of error and supersedeas, the effect of which is to affirm the judgment of the said corporation court.

A Copy,
Teste:
/s/ H. Sturm,
Clerk,

A True Copy,
Bertha R. Drinkard, Clerk,
By: /s/ Edwina H. Mull,
Deputy Clerk.

(Seal)

JUDGMENT.

VIRGINIA:

Corporation Court of the City of Bristol, on Thursday, the 4th day of May, in the year of our Lord, Nineteen Hundred and Sixty-Seven.

Present:
The Hon. Jos. L. Cantwell, Jr., Judge.

Commonwealth,
vs.
Hansel Wallace.
} Viol. Sec. 40-64, Code of Va.

This day came the Attorney for the Commonwealth and the accused appeared pursuant to his recognizance and pled not guilty to the charge in the warrant. Accused was represented by counsel.

Thereupon, the following jury was summoned, selected and impanelled in the manner prescribed by law, to-wit:

R. H. Nichols, Jack D. Gray, Ben F. Morgan, Vance W. Thomas and Ralph Parrott, who were sworn to try the case, and after hearing the evidence of the Commonwealth, defendant, by counsel, moved the Court to strike the evidence which motion the Court doth deny. After hearing the remainder of the evidence, receiving instructions from the Court and hearing the argument of Counsel, the jury retired to their room to consider of a verdict and after some time, returned into Court having found the following verdict, to-wit:

"We, the jury, find the defendant guilty as charged and fix his punishment as follows.

1. $300.00 fine;.
2. Six Month sentence.

s/ Ralph Parrott, Foreman."

Defendant, by counsel, moved the Court to set aside the verdict as contrary to the law and the evidence and without evidence to support it, which motion the Court doth overrule. Defendant, by counsel, excepts.

Defendant moved the Court to suspend the six-month jail sentence.

In accordance with the verdict of the jury, it is considered by the Court that the said Hansel Wallace suffer a punishment by confinement in jail for a term of six (6) months and payment of a fine of $300.00 and the costs of this prosecution. In default in the payment of said fine and costs, it is ordered that he be further confined as the law in such cases provides, unless said fine and costs be sooner paid.

It appearing compatible with the public interest, execution of said six-month jail sentence is suspended and the defendant let to probation for a period of eighteen (18) months from this date, conditioned upon his good be-

havior and upon compliance with the General Conditions of Probation of this Court, of record in Common Law Order Book 18, Page 18, and upon further condition that the defendant pay one-half of the fine and costs within six months and the other one-half within twelve months.

Defendant signifying his intention to apply to the Supreme Court of Appeals for a writ of error herein, execution of this sentence is suspended for a period of 60 days.

Thereupon, the accused was let to bail, his present bond being in force.

A Copy, Teste:

Bertha R. Drinkard,

Clerk,

(Seal)